

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE E. SANDERS,

Petitioner,

Case No. 2:22-cv-12977

HONORABLE STEPHEN J. MURPHY, III

v.

FEDERAL BUREAU OF PRISONS,

Respondent.

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**OPINION AND ORDER DISMISSING
CASE FOR FAILURE TO CORRECT DEFICIENCY**

Petitioner Maurice Sanders, a Michigan prisoner, filed a pro se habeas corpus petition under 28 U.S.C. § 2241. ECF 1. For the reasons stated below, the Court will dismiss the habeas petition without prejudice.

“If [a] prisoner does not pay the full filing fee and fails to provide the required documentation to apply to proceed in forma pauperis, the district court must notify the prisoner of the deficiency.” *Gravitt v. Tyszkiewicz*, 14 F. App’x 348, 349 (6th Cir. 2001) (quotation marks and quotation omitted). “If the prisoner does not comply with the district court’s directions, the district court must presume that the prisoner is not a pauper, assess the full filing fee, and dismiss the case for want of prosecution.” *Id.* (quotation marks and quotation omitted).

The Court notified Petitioner that he was deficient and succinctly ordered that “Petitioner must submit the five-dollar fee or an original and one copy of a completed, signed and dated application to proceed in forma pauperis within twenty-one days

from the date of this order.” ECF 3, PgID 9 (alterations omitted). The Court also warned Petitioner that “[f]ailure to do so may result in dismissal of this action.” *Id.* Petitioner was required to comply with the deficiency order by February 2, 2023. *See id.* But he did not. The Court will therefore dismiss the petition for failure to comply with an order of the Court.

To appeal a decision of the Court, Petitioner must obtain a certificate of appealability. To obtain a certificate of appealability, Petitioner must make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). Thus, Petitioner must show “that reasonable jurists could debate whether” the Court should have resolved the § 2254 petition “in a different manner, or that the issues presented were adequate to deserve encouragement to proceed further.” *Slack v. McDaniel*, 529 U.S. 473, 483–84 (2000) (internal quotation marks and quotation omitted). Jurists of reason would not debate the Court’s denial of the petition. The Court will therefore deny a certificate of appealability.

The Court will also deny Petitioner leave to appeal in forma pauperis because he cannot take an appeal in good faith. *See* Fed. R. App. P. 24(a); 28 U.S.C. § 1915(a)(3).

WHEREFORE it is hereby **ORDERED** that the petition for a writ of habeas corpus [1] is **DISMISSED WITHOUT PREJUDICE**.

IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

IT IS FURTHER ORDERED that leave to appeal in forma pauperis is **DENIED.**

This is a final order that closes the case.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 28, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 28, 2023, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager